

REMARKS / DISCUSSION OF ISSUES

Claims 1-32 are pending in the application.

The Office action rejects claims 1-32 under 35 U.S.C. 102(e) over Harrington (USPA 2002/0156909). The applicants respectfully traverse this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-6 depend, claims a system that includes a portable wireless device having a media drive and an application that reads and plays back content from a medium inserted in the media drive, and a service that communicates with the wireless device via a wireless network, the service providing control commands to the application program for controlling playback of content from the medium when inserted in the media drive. Each of the other independent claims 7, 15, 26, and 28 include similar limitations.

Harrington fails to teach a portable wireless device having a media drive.

Harrington fails to teach an application that reads and plays back content from a medium inserted in a media drive of a portable wireless device.

Harrington fails to teach a service that provides control commands to an application program for controlling playback of content from a medium when inserted in a media drive of a portable wireless device.

The Office action asserts that Harrington teaches a wireless device having a media drive at paragraphs [0014], [0037], and [0043]. The applicants respectfully disagree with this assertion. Nowhere in these cited paragraphs does Harrington teach that the wireless device (Harrington's "client" device 112) includes a media drive.

In paragraph [0014], Harrington teaches that Temporal Signals appear on media; Harrington does not teach that this media is accessed by a media drive on the wireless device. To the contrary, Harrington expressly teaches that the client device is coupled to external media reading devices:

"[0035] In the embodiment illustrated in FIG. 1, **the client device 112** is also preferably **connected** to either a cable and/or broadcast television connection or **to a local VCR or other video source**, and receives a programming signal by that connection." (emphasis added)

In paragraph [0037], Harrington details how the external media drives act as servers to the client device 112:

"[0037] ... For example, when the Flash movie 122 associated with a given URI is provided on a CD or DVD, the URI may refer to a location on such computer readable medium at which the data of interest (i.e., the Flash movie) is stored. In such an embodiment, **the DVD player effectively operates as a server by providing the Flash movie 122 to the client device 112.**" (Emphasis added.)

In paragraph [0043], Harrington recaps the capabilities of the client device 112:

"[0043] ... Thus, it is to be appreciated that for the system 100 shown in FIG. 1, the client device 112 provides the capabilities of identifying, locating, retrieving and presenting Flash movies in conjunction with a programming signal by utilizing URI(s) or other schemes for identifying local and/or remotely located Flash movies."

The Examiner asserts that the "local retrieval of Flash movies from a plurality of possible storage medium implies the client device inherently comprises a media drive" (Office action, page 5, lines 14-16). The applicants respectfully disagree with this assertion. As noted above, Harrington explicitly teaches that the client device 112 is coupled to external devices (VCR and DVD players) that act as the server 116 in Harrington's system ([0035] and [0037]). Harrington expressly and repeatedly teaches that the client 112 receives a URI or other locator, then accesses the server corresponding to this location indicator, either the local VCR and DVD players, or an Internet site, to obtain the Flash movie.

Because Harrington does not teach a wireless device that includes a media player, and expressly teaches accessing external media players based on a received location indicator, Harrington cannot be said to teach an application that reads and plays back content from a medium inserted in a media drive of a portable wireless device, and cannot be said to teach a service that provides control commands to an application program for controlling playback of content from a medium when inserted in a media drive of a portable wireless device. Accordingly, the rejections of claims 1-32 under 35 U.S.C. 102(e) over Harrington should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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